

## ARIZONA REPUBLICAN PARTY

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WWW.AZGOP.ORG

**Matt Salmon**  
Chairman

October 10, 2006

Federal Election Commission  
Office of the General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463

MUR # 5841

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

1 2006 OCT 11 A 10:35

Re: Complaint against Arizona Democratic Party

Dear Commissioners:

This letter constitutes a formal complain filed under 2 U.S.C. § 437 (g)a of the Federal Election Campaign Act ("FECA") on behalf of the Arizona Republican Party. It is our belief, based on the information set out below, that the Arizona Democratic Party ("Arizona Democrats") has violated FECA and the Commission's regulations with respect to two mail communications, attached hereto as Exhibits A and B. Specifically, it appears that the Arizona Democrats have either (1) violated 11 C.F.R. § 110.11(b)'s disclaimer requirements; or (2) are improperly attempting to fund these mailings under the "volunteer activity for party committees" exemption in 11 C.F.R. §§ 100.87, 100.147.

The mail communications at issue were paid for by the Arizona Democrats and constitute Federal Election Activity, as defined in 11 C.F.R. § 100.24(b). Exs. A, B and C. The mail pieces promote Democrat Harry Mitchell's House candidacy and attack Republican Congressman J.D. Hayworth, and contain disclaimer stating only "Paid for by Arizona Democratic Party." Neither mail piece nor their disclaimers state whether any candidate or candidate's committee authorized the communication. Under the 11 C.F.R. §§ 110.11(b) such communications must state whether or not the communication was authorized by the candidate or candidate's committee. The Arizona Democrats' mail pieces fail to state either, and thus violate the disclaimer requirements.

Indeed, the only way such a disclaimer would not violate section 110.11(b) is if the communication qualified as exempt party activity under section 100.147(d). That is, if the attached mail pieces were "distributed by volunteers and not by commercial or for-profit operations." Since the attached commercially produced mail pieces clearly bear commercially printed labels and postage stamps *see* Exs. A, and B, these mail pieces do not satisfy the volunteer requirement of 11 C.F.R. § 100.147.

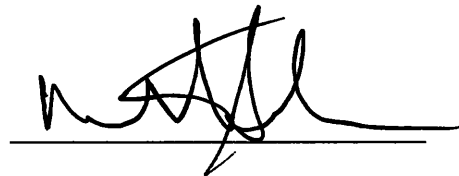
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Federal Election Commission  
October 10, 2006  
Page 2

Put simply, the Arizona Democrats have either violated the disclaimer requirements, or failed to allocate and report the costs of such materials to the Harry Mitchell for Congress committee as either a contribution under 2 U.S.C. § 441a, or a party expenditure under 2 U.S.C. § 441a(d). As a result, it appears that the Arizona Democrats made an excessive contribution to the Harry Mitchell for Congress committee.

The above is true and correct to the best to my knowledge, information and belief.

Sincerely,

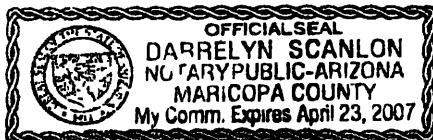


Matt Salmon  
Chairman  
Arizona Republican Party

Subscribed and sworn to before me on this 10 day of October, 2006

  
Notary Public

My commission expires on 04/23/2007.



27044182501

# J.D. Hayworth: The Record

## ■ Protects Drug Companies

J D Hayworth voted for the Medicare prescription drug bill that prohibited the government from negotiating for lower prices. Hayworth took \$572,468 from the health care industry (Roll Call 669, H R. 1, 11/22/2003, [www.PoliticalMoneyLine.com](http://www.PoliticalMoneyLine.com))

## ■ Rewards Big Oil

J D Hayworth gave Big Oil and Gas companies huge tax breaks and subsidies totaling over \$2.6 billion. He's also received \$410,019 from the oil, gas, and energy industry and voted five times against cracking down on gas price gouging (Roll Call 445, H R. 6, 7/28/05, Roll Call 352, H R. 4761, 6/29/06, Roll Call 518, H R. 3993, 10/7/05, Roll Call 517, H R. 3893, 10/7/05, Roll Call 500, H R. 3402, 9/28/05, Roll Call 118, H R. 6, 4/20/05, [www.PoliticalMoneyLine.com](http://www.PoliticalMoneyLine.com))

## ■ Opposes a Woman's Right to Choose

J D Hayworth has a long record of voting to limit a woman's right to choose. He does not believe in a woman's right to privacy or choice (Roll Call 530, S. 3, 10/2/03, NARAL Pro-Choice America, National Family Planning & Reproductive Health Association)

## ■ Increases National Debt

Hayworth has turned a budget surplus into a massive deficit. He's approved plans by the Bush administration to increase the national debt to over \$8 trillion (Roll Call 336, S. 2986, 11/18/04, Congressional Budget Office, Congressional Record)

## ■ Cuts Health Care for Veterans

Hayworth voted to cut veterans' health care funding by \$6.0 billion below current services (Roll Call 158, H Con Res 353, 5/18/06)

## ■ Rejects Bonus for Troops

Hayworth prevented our troops from receiving a \$1,500 bonus. Yet as a member of Congress, he's taken \$31,600 worth of pay raises (Roll Call 554, H R. 3289, 10/17/03)

## ■ Stops Stem Cell Research

J D Hayworth voted against stem cell research that could provide cures for diseases including heart disease, diabetes, and Alzheimer's (Roll Call 388, H R. 810, 7/19/06, Roll Call 204, H R. 810, 5/24/05)

## ■ Cuts Medicare and Medicaid

Hayworth voted to cut Medicare and Medicaid by \$15 billion, with much of the cuts aimed at low-income seniors (Roll Call 670, S. 1932, 12/19/05)

## ■ Supports Social Security Privatization

Hayworth is in favor of President Bush's plan to privatize Social Security and put the accounts into the stock market (CNN Crossfire, "Should Social Security Be Partially Privatized?", 7/24/01)

## ■ Does Nothing to Stop Illegal Immigration

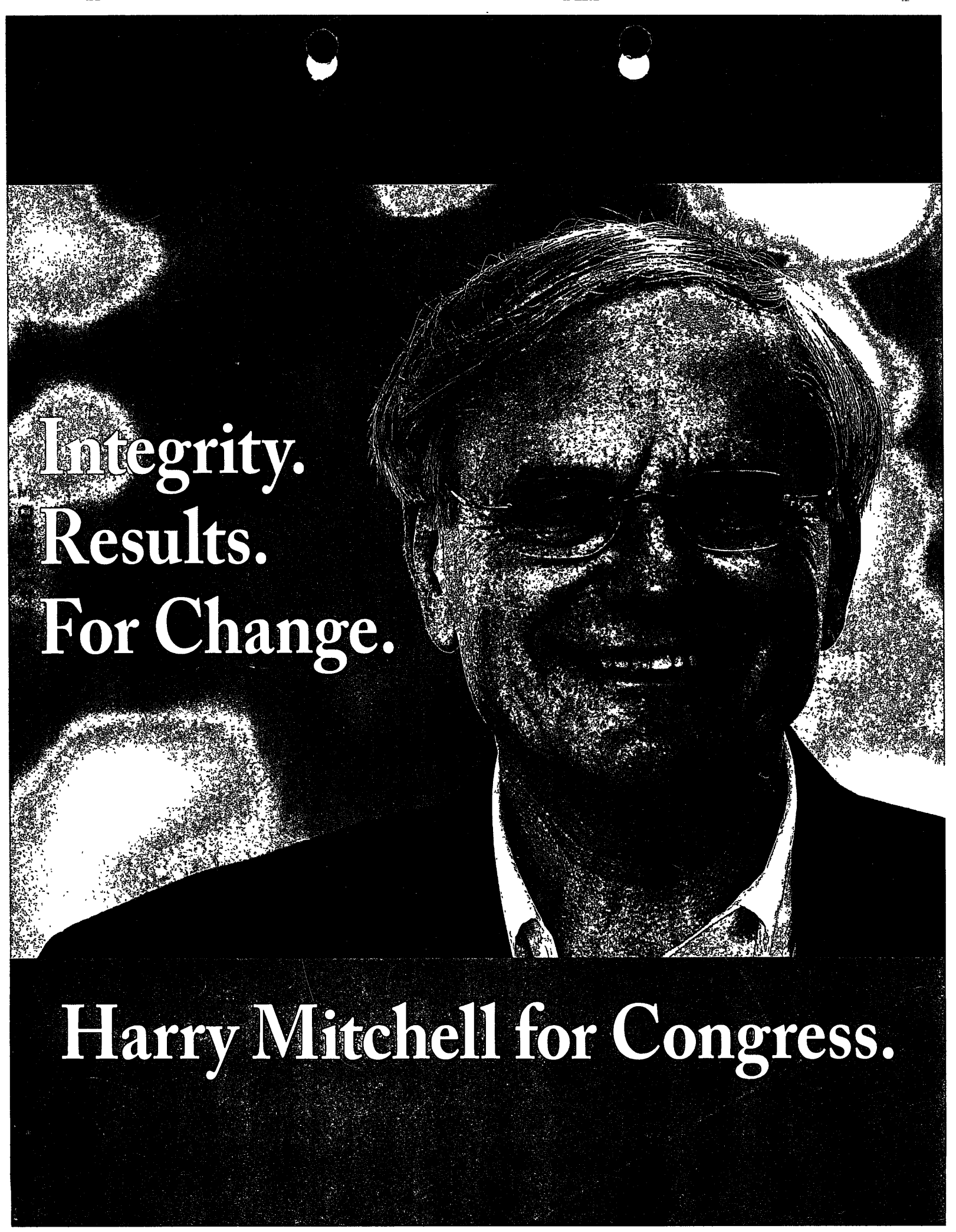
While J D Hayworth has been in office, the number of illegal immigrants in Arizona has doubled twice (<http://pewhispanic.org/files/reports/44.pdf>, 9/9/06)

SEE WHAT NEWSPAPERS ACROSS THE COUNTRY  
ARE SAYING ABOUT J.D. HAYWORTH AND  
RAMPAANT CORRUPTION IN CONGRESS.

INSIDE

- 1 The New York Times issued a correction that said Hayworth did not take any money from Abramoff's cruise line
- 2 Arizona Republic, 8/18/08
- 3 [http://www.bloomberg.com/apps/news?pid=10000087&sid=a0q6cy\\_0shA&ref=+top\\_world\\_news\\_9/8/08](http://www.bloomberg.com/apps/news?pid=10000087&sid=a0q6cy_0shA&ref=+top_world_news_9/8/08)
- 4 The Washington Times, 1/11/08
- 5 Arizona Republic, 8/18/08
- 6 [http://www.bloomberg.com/apps/news?pid=10000087&sid=a0q6cy\\_0shA&ref=+top\\_world\\_news\\_9/8/08](http://www.bloomberg.com/apps/news?pid=10000087&sid=a0q6cy_0shA&ref=+top_world_news_9/8/08)
- 7 Arizona Republic, 1/4/08, 8/18/08
- 8 Arizona Republic, 12/23/05
- 9 Arizona Republic, 8/18/08
- 10 Arizona Republic, 8/18/08
- 11 The Washington Times, 1/11/08


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Integrity.  
Results.  
For Change.

Harry Mitchell for Congress.

# Harry Mitchell. Real Solutions.



**T**hroughout his long career in public service, Harry Mitchell has earned the reputation of a visionary leader who works across party lines to create jobs, balance the budget, and help our families. Harry has never forgotten that he works for the people and he'll take that same attitude with him to change Congress.



## Integr

# ions, a New Direction.

## Harry Mitchell's Agenda for Change

### ***Balance the Budget:***

Harry has balanced 31 consecutive budgets. He has a strong commitment to cut wasteful spending and balance the federal budget.

### ***Secure our Borders:***

Harry supports Senator McCain's plan for immigration reform that secures the border, enforces current laws, adds more Border Patrol agents and sanctions employers who break the law.

### ***End the Culture of Corruption:***

Harry will fight for real ethics reform and make Congress work for the people, not high paid lobbyists.

### ***End Tax Breaks for Big Oil:***

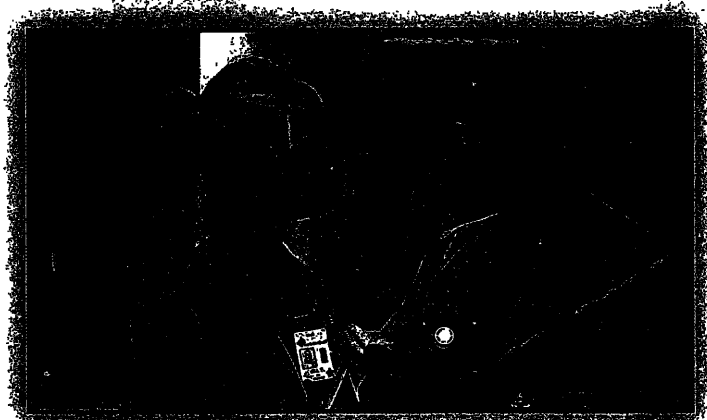
Harry will work to promote alternative energy sources and reduce our dependence on foreign oil. He'll stand up to Big Oil and fight price gouging.

### ***Promote Stem Cell Research:***

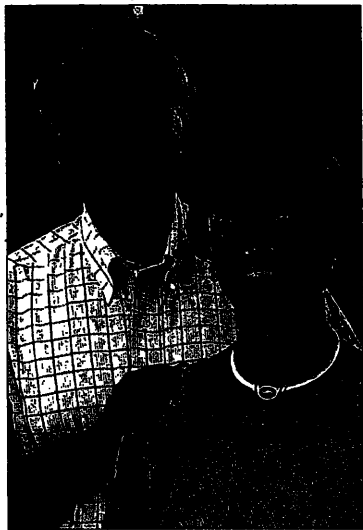
Harry will expand federal stem cell funding, opening the door to find new cures for devastating diseases.

### ***Protect a Woman's Choice:***

Harry is committed to preserving a woman's right to choose, keeping the government out of personal medical decisions.



# ity. Results. For a Change.



# Harry Mitchell for Congress. Integrity. Results. For a Change.

Longtime Tempe Mayor Harry Mitchell is a former high school teacher who represented Scottsdale, Tempe, Ahwatukee, and Chandler in the State Senate. Throughout his career, Harry's top priority has always been to do what's right for the people.

Harry and his high school sweetheart, Marianne, have been married for 44 years. They have two children and five grandchildren.

**"Living Legend."**

—Arizona Republic, 9/22/05

**"...an avowed non-partisan,  
moderate politician."**

—Arizona Republic, 11/4/05

Arizona Democratic Party  
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# THE ARIZONA INDEPENDENT

SPECIAL CORRUPTION EDITION

## G.O.P. Candidates United to Abramoff

|   |  |   |  |  |  |  |
|---|--|---|--|--|--|--|
|    |   |    |   |   |   |   |
| <b>Rep. Tom DeLay, Texas</b><br>Resigned in 2006 after pleading guilty to perjury in a federal case. He was later convicted of perjury and sentenced to prison. | <b>Rep. Bob Ney, Ohio</b><br>Resigned in 2006 after pleading guilty to perjury in a federal case. He was later convicted of perjury and sentenced to prison. | <b>Rep. J.D. Hayworth, Arizona</b><br>Resigned in 2006 after pleading guilty to perjury in a federal case. He was later convicted of perjury and sentenced to prison. | <b>Rep. Richard J. Durbin, Illinois</b><br>Resigned in 2006 after pleading guilty to perjury in a federal case. He was later convicted of perjury and sentenced to prison. | <b>Rep. John T. Dingell, Michigan</b><br>Resigned in 2006 after pleading guilty to perjury in a federal case. He was later convicted of perjury and sentenced to prison. | <b>Sen. Conrad Burns, Montana</b><br>Resigned in 2006 after pleading guilty to perjury in a federal case. He was later convicted of perjury and sentenced to prison. | <b>Rep. Mark E. Souder, Indiana</b><br>Resigned in 2006 after pleading guilty to perjury in a federal case. He was later convicted of perjury and sentenced to prison. |

**The New York Times listed J.D. Hayworth as one of the Abramoff seven. The list included lawmakers with close ties to Abramoff and the culture of corruption in Washington D.C.:**

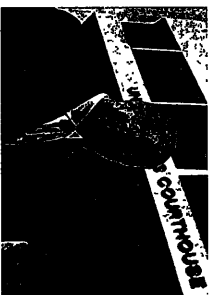
## Hayworth Received Thousands From Convicted Lobbyist Abramoff

Independent sources around the country have revealed J.D. Hayworth's financial ties to convicted felon and lobbyist Jack Abramoff.

The *Arizona Republic* reports J.D. Hayworth received \$100,000 from Abramoff and his clients. Abramoff pleaded guilty to conspiracy to bribe public officials.<sup>1</sup>

### Second Most in Congress

The *Arizona Republic* reports that J.D. Hayworth took among the most money from Abramoff and his clients of anyone in Congress.<sup>2</sup> And while many public officials



have returned all contributions from Abramoff and his clients, J.D. Hayworth stubbornly refuses to follow suit. To date, Hayworth has returned less than 4 percent of the contributions.<sup>3</sup>

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William McDonald  
Scottsdale AZ 85260-4912

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## Newspapers Tie Hayworth to Corruption in Congress



In recent months, leading newspapers across the country have tied Arizona Congressman J.D. Hayworth to a nationwide lobbying scandal involving convicted felon Jack Abramoff.

### Hayworth in Lobbying Scandal

The *Arizona Republic* reports J.D. Hayworth received \$100,000 from Abramoff and his clients.<sup>2</sup>

Abramoff is the ringleader of one of the largest lobbying scandals in American history. Over the last decade, he attempted to buy influence for his tribal clients, and tempted politicians with campaign contributions. In January, Abramoff pleaded guilty to fraud and conspiracy to corrupt public officials.<sup>3</sup>

### Under Investigation

The conservative *Washington Times* reports that Hayworth is now the subject of a Department of Justice investigation.<sup>4</sup>

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## Independent Newspapers Link J-D

**I**ndependent newspapers across the country and right here in Arizona have connected convicted felon and lobbyist Jack Abramoff to Arizona Congressman J.D. Hayworth.

### Conspiring to Corrupt

Abramoff, who recently pleaded guilty to conspiring to corrupt public officials, was one of the first people to make a contribution to Hayworth's political action committee.

The *Arizona Republic* reports that Hayworth took among the most money of anyone in Congress from Abramoff and his clients.<sup>9</sup>

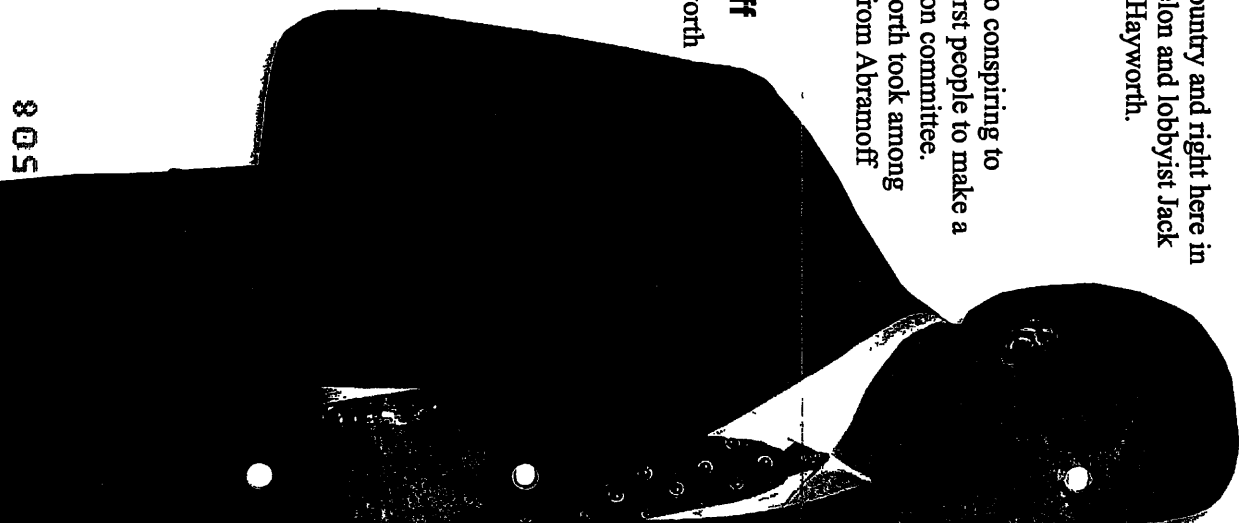
### Received \$100,000 from Abramoff

The *Arizona Republic* reports J.D. Hayworth received \$100,000 from Abramoff and his clients.<sup>10</sup>

### Hayworth Under Investigation

It's not yet clear how Abramoff's contributions to Hayworth affected his votes in Congress. But the conservative *Washington Times* reports that the Department of Justice is investigating J.D. Hayworth.<sup>11</sup>

More information on J.D. Hayworth's role in the corruption scandal will be available as the story develops.



# Hayworth to Corruption Scandal

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## THE ARIZONA REPUBLIC

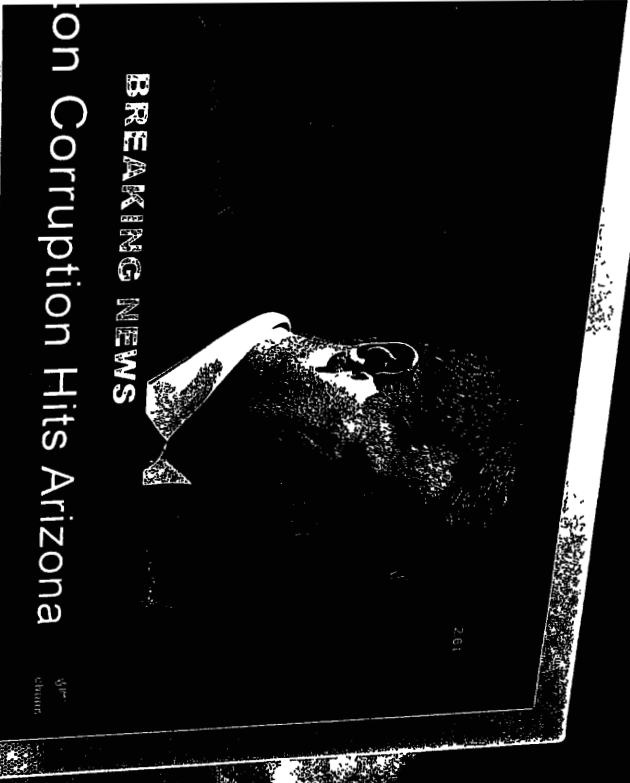
*"Arizona's U.S. Rep. J.D. Hayworth, ranked as one of the top recipients of campaign contributions from interests enmeshed in a raging lobbying scandal."*  
(Arizona Republic, 12/23/05)

## The New York Times

*"Hayworth was also a frequent guest in sports skyboxes controlled by Mr. Abramoff and his clients, and at Signatures, a Washington restaurant owned by the lobbyist."*  
(New York Times, 12/19/05)

## The Washington Times

*"Abramoff-linked probe focuses on 5 lawmakers," including "J.D. Hayworth, Arizona Republican."*  
(Washington Times, 1/11/06)



# News Alert.

J.D. Hayworth Under Investigation.

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# J.D. Hayworth tied to corruption scandal in Congress.

The conservative *Washington Times* reports that Congressman J.D. Hayworth is under investigation by the U.S. Department of Justice.<sup>2</sup>

## Hayworth close to convicted lobbyist Abramoff.

Hayworth is at the center of a growing corruption scandal surrounding convicted lobbyist Jack Abramoff, who recently pled guilty to conspiracy to corrupt public officials and fraud.<sup>3</sup>

## Hayworth took \$100,000 from Abramoff.

Hayworth has a long relationship with Abramoff and has taken \$100,000 in contributions from Abramoff and his clients.<sup>4</sup>

## Hayworth named one of the '25 Most Corrupt.'

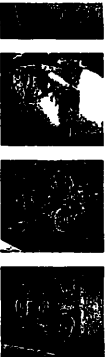
A non-partisan group named Hayworth one of the 25 Most Corrupt Members of Congress for "his relations with Jack Abramoff and the hiring of his wife to run his political action committee."<sup>5</sup>

**J.D. Hayworth can't clean up Congress. He's part of the problem.**

### Check the Facts:

- 1 The New York Times issued a correction that said Hayworth did not take any money from Abramoff's cruise line
- 2 The Washington Times, 1/11/06
- 3 [http://www.bloomberg.com/apps/news?pid=10000067&sid=dQdCy\\_J0shA&refer=wp\\_world\\_news](http://www.bloomberg.com/apps/news?pid=10000067&sid=dQdCy_J0shA&refer=wp_world_news), 9/10/06
- 4 Arizona Republic, 8/8/06
- 5 Citizens for Accountability and Ethics in Washington, 9/20/06

**J.D. Hayworth. Out of touch. Out for himself.**



Rep. John T. Dingell, Calif. Reported \$50,000 in campaign contributions from Mr. Abramoff and his clients, and the ethics committee for the House of Representatives is investigating her work for Mr. Abramoff.

Sen. Conrad Burns, Mont. Reported \$150,000 from Mr. Abramoff and his associates, more than any other lawmaker. Mr. Abramoff has been named by the House of Representatives as a lobbyist for Senator Conrad Burns's committee, we got.

Rep. Rick Warren, former lobbyist. Mr. Abramoff arranged for Mr. Warren to be paid over \$5 million by the House of Representatives to coordinate the campaign for the House of Representatives against congressional ethics reform.

Mr. Dingell is "trying to win re-election, despite the Cook report."

Mr. Burns's seat is a "toss up," says the Cook report. His approval has been sliding.

The New York Times